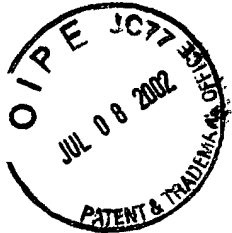


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jens Ponikau
 Serial No. : 09/865,785
 Filed : May 25, 2001
 Title : METHODS AND MATERIALS FOR TREATING AND PREVENTING
 INFLAMMATION OF MUCOSAL TISSUE

Art Unit : 1614
 Examiner : K. Weddington

Commissioner for Patents
 Washington, D.C. 20231



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 JUL 15 2002

TERMINAL DISCLAIMER UNDER 37 CFR §§ 3.73(b) AND 1.321(b)

Pursuant to 37 CFR § 3.73(b), Mayo Foundation for Medical Education and Research, certifies that it is the assignee of the entire right, title, and interest in the above-captioned application by virtue of an assignment from the inventor of the patent application captioned above. The assignment was submitted for recordation in the U.S. Patent and Trademark Office on June 14, 2002, and a copy of the submitted assignment documents is attached for your reference.

The undersigned has reviewed all the documents in the chain of title of the above-captioned application, and to the best of undersigned's knowledge and belief, title is in Mayo Foundation for Medical Education and Research.

The undersigned is empowered to act on behalf of the assignee.

Pursuant to 37 CFR § 1.321(b), and to obviate an obviousness-type double patenting rejection, Mayo Foundation for Medical Education and Research hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above-captioned application subsequent to the expiration date of U.S. Patent No. 6,291,500. Further, any patent granted on the above-captioned application shall be enforceable only for and during such period that said patent is commonly owned with U.S. Patent No. 6,291,500.

Mayo Foundation for Medical Education and Research does not disclaim any terminal part of any patent granted on the above-captioned application prior to the expiration date of the full statutory term of U.S. Patent No. 6,291,500 in the event that U.S. Patent No. 6,291,500 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally

disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Mayo Foundation for Medical Education and Research does not disclaim any available patent term extensions for any patent granted on the above-captioned application.

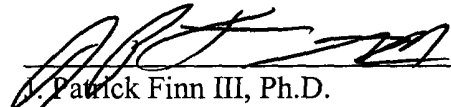
This disclaimer runs with any patent granted on the above-captioned application and is binding upon the grantee, its successors or assigns.

Please charge any additional fees, or make any credits, to Deposit Account No. 06-1050, referencing Attorney Docket No. 07039-129002.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-captioned application or any patent issued thereon.

Respectfully submitted,

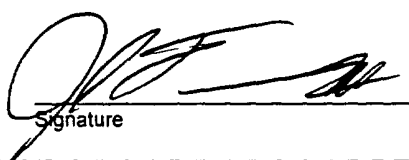
Date: July 3, 2002


Patrick Finn III, Ph.D.
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Facsimile: (612) 288-9696

60093311.doc

RECORDATION FORM COVER SHEET PATENTS ONLY

Commissioner for Patents: Please record the attached original document(s) or copy(ies).		RECEIVED JUL 15 2002 TECH CENTER 1600/2900
1. Name of conveying party(ies): Jens Ponikau Additional name(s) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Name and address of receiving party(ies): Mayo Foundation for Medical Education and Research 200 First Street S.W. Rochester, MN 55905 Additional names/addresses attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other Execution Date: 05/30/2002		
4. Application number(s) or patent number(s). If this document is being filed with a new application, the execution date of the application is: A. Patent Application No(s): See attached B. Patent No(s): See attached Additional numbers attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
5. Name/address of party to whom correspondence concerning document should be mailed: MARK S ELLINGER, Ph.D. Fish & Richardson P.C., P.A. 60 South Sixth Street Suite 3300 Minneapolis, MN 55402		6. Total number of applications/patents involved: 1 7. Total fee (37 CFR §3.41): \$ 460 (12 @40.00) <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to charge Deposit Account. 8. Deposit Account No.: 06-1050 Please apply any additional charges, or any credits, to our Deposit Account No. 06-1050.
DO NOT USE THIS SPACE		
6. Statement and Signature: To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.		
J. Patrick Finn III, Ph.D. Reg. No. 44,109 Name of Person Signing	 Signature	June 14, 2002 Date
Total number of pages including coversheet, attachments and document: 6		

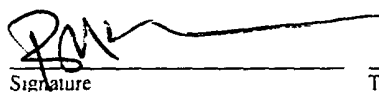
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June 14, 2002
Date of Deposit


Signature

Bill Henson
Typed Name of Person Signing Certificate

Patent Application No(s):

60/062,709

60/063,414

60/063,418

60/083,272

60/086,397

09/177,164

09/500,115

09/177,659

09/865,785

PCT/US98/22403

Patent No(s):

6,207,703

6,291,500

TREATMENT OF NON-INVASIVE FUNGUS-INDUCED INFLAMMATION OF
MUCOSAL TISSUE

Filed: May 22, 1998

U.S. Provisional Application Serial No.: 60/086,397

METHODS AND MATERIALS FOR TREATING AND PREVENTING
INFLAMMATION OF MUCOSAL TISSUE

Filed: October 28, 1998

U.S. Patent Application Serial No.: 09/177,164

METHODS AND MATERIALS FOR TREATING AND PREVENTING
INFLAMMATION OF MUCOSAL TISSUE

Filed: February 8, 2000

U.S. Patent Application Serial No.: 09/500,115

METHODS AND MATERIALS FOR TREATING AND PREVENTING
INFLAMMATION OF MUCOSAL TISSUE

Filed: October 22, 1998

U.S. Patent No.: 6,207,703

METHODS AND MATERIALS FOR TREATING AND PREVENTING
INFLAMMATION OF MUCOSAL TISSUE

Filed: October 22, 1998

U.S. Patent Application Serial No.: 09/177,659

METHODS AND MATERIALS FOR TREATING AND PREVENTING
INFLAMMATION OF MUCOSAL TISSUE

Filed: October 22, 1998

U.S. Patent No.: 6,291,500

METHODS AND MATERIALS FOR TREATING AND PREVENTING
INFLAMMATION OF MUCOSAL TISSUE

Filed: May 25, 2001

U.S. Patent Application Serial No.: 09/865,785

METHODS AND MATERIALS FOR TREATING AND PREVENTING
INFLAMMATION OF MUCOSAL TISSUE

Filed: October 22, 1998

International Patent Application No.: PCT/US98/22403

This assignment including said patents and said patent applications, any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing dates of said applications under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and I authorize the Assignee to apply in all countries in my name or in its own name for patents, utility models, design registrations and like rights of exclusion and for inventors' certificates for said inventions and improvements; and I agree for me and my respective heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at Rochester, MN,
this 30th day of May, 2002.

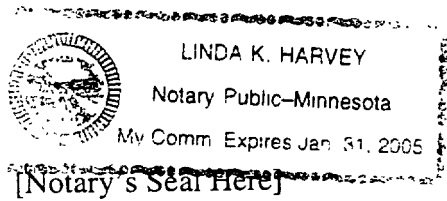
Jens Ponikau L.S.
JENS PONIKAU

State of Minnesota :

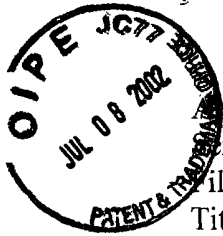
: ss.

County of Olmsted :

Before me this 30th day of May, 2002, personally appeared
JENS PONIKAU known to me to be the person whose name is subscribed to the foregoing
Assignment and acknowledged that he executed the same as his free act and deed for the
purposes therein contained.



Linda K. Harvey
Notary Public
My Commission Expires:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jens Ponikau

Art Unit : 1614

Serial No. : 09/865,785

Examiner : K. Weddington

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Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

TRANSMITTAL LETTER

Correspondence relating to this application is enclosed.

1. Response to Office Action mailed January 3, 2002 (3 pages, includes copy of PTO 1449);
2. Petition for Three-Month Extension of Time (1 page);
3. Terminal Disclaimer Under 37 CFR §§3.73(b) and 1.321(b) (8 pages, includes copy of assignment documents);
4. Information Disclosure Statement (1 page);
5. PTO Form 1449 (1 page)
6. Copy of Submitted IDS Material (157 pages); and
7. Three checks totalling \$695 (Three-Month Extension fee, \$460; Terminal Disclaimer fee, \$55; and Information Disclosure Statement fee, \$180).

Please apply any charges not covered, or any credits, to Deposit Account No. 06-1050.

Respectfully submitted,

Date: July 3, 2002

J. Patrick Finn III, Ph.D.
Reg. No. 44,109

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60 South Sixth Street, Suite 3300
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Telephone: (612) 335-5070
Facsimile: (612) 288-9696

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit July 3, 2002

Signature

Judy Wasilkus

Judy Wasilkus

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